HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.12490 OF 2006

Between:
G. Satish

..... Petitioner

AND

District Collector, Medak District at Sanga Reddy
& another.

.....Respondents

:: O R D E R::

Counsel for the Petitioner : Shri T. Balaji

Counsel for the Respondents : Government Pleader for Panchayat Raj & Rural Development

Dated: 02.08.2006

Per G.S.SINGHVI, CJ

In this petition, the petitioner has prayed for issue of a writ in the nature of mandamus directing the respondents to include his name in the voters' list of Isnapuram Village, Patancheru Mandal, Medak District.

Although counter-affidavit has not been filed on behalf of the respondents, we do not consider it necessary and proper to defer the adjudication of the writ petition because after hearing learned counsel for the petitioner and perusing the record, we are convinced that the petitioner has failed to make out a case for grant of relief in terms of the prayer made.

Article 243-K(1) of the Constitution of India confers power of supervision, direction and control on the State Election Commission in the matter of election for the Panchayats. In exercise of that power, Andhra Pradesh State Election Commission issued notification dated 01.05.2006 for holding elections to the Panchayats of various categories including the Mandal Parishad Terrotorial Constituencies and Zilla Parishad Territorial Constituencies. Thereafter, vide notification dated 08.05.2006, electoral rolls of Gram Panchayats were published. At that stage, the persons whose names were not included in the voters' list could have filed application under proviso to Section 11 of the Andhra Pradesh Panchayat Raj Act, 1994 read with Rule 6 of Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000. If such an application or claim had not been decided by the competent authority, the aggrieved person could come to the Court. If the claim had been rejected, then the aggrieved person could avail appropriate legal remedy and in a given case also file writ petition under Article 226 of the

Constitution of India.

Insofar as the petitioner is concerned, he has neither pleaded nor any material has been placed on the record of the writ petition to show that he filed any application under Section 22 or Section 23 of the Representation of Peoples Act, 1950 for inclusion of his name in the voters' list of Isnapuram Village. Therefore, he cannot seek a direction for inclusion of his name in the electoral roll of the said village or for being allowed to participate in the forthcoming elections.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.15523 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

02.08.2006
ksld/svs